

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARTY JORDAN,)	
)	
Plaintiff,)	4:05CV3104
)	
v.)	
)	
BNSF RAILWAY CO., d/b/a THE)	MEMORANDUM AND ORDER
BURLINGTON NORTHERN & SANTA)	
FE RAILWAY CO.,)	
)	
Defendant.)	

Defendant has moved to quash a Rule 30(b)(6) deposition on the grounds that the scope of the requested subjects is entirely too broad and poses an undue hardship on the defendant. Having now reviewed all the materials filed regarding the motion, I agree. Plaintiff has made no showing or argument justifying the breadth of the discovery requests, and has failed to establish that the requests are relevant in the sense intended by Rule 26(b)(1) ("...relevant to the claim or defense of any party...."). Defendant, on the other hand, has filed evidence establishing the burden of complying with the plaintiff's subpoena. I shall limit the subjects of the deposition notice.

Defendant did not request an award of expenses and fees in bringing this motion before the court, and for that reason none will be awarded. Plaintiff's counsel, however, are cautioned that the lack of cooperation in limiting the scope of these requests is not justified; a better effort should have been made to reach agreement on these matters without the court's involvement.

IT THEREFORE HEREBY IS ORDERED,

1. The motion, filing 51, is granted in the alternative,
and

a. All requests are limited to:

i. The time period of two years prior to the plaintiff's termination to the date of the filing of this action; and/or

ii. Those disciplinary actions in which Ron Hall was involved in any capacity; and, in addition,

b. Paragraph 5 is limited to those actions in which the disciplinary hearing committee decided or recommended termination of the employee;

c. Paragraph 6 is limited to those proceedings before the disciplinary hearing panel in which the employee requested and was denied the presence of requested witnesses;

2. Each party shall bear its own expenses in respect to this discovery matter.

DATED this 21st day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge